

## Message Text

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ACTION SS-25

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S E C R E T SECTION 1 OF 3 NICOSIA 0844

EXDIS

E.O. 11652: XGDS-3  
TAGS: PFOR, SY, CY, US  
SUBJECT: DAVIES CASE

SUMMARY. SECTION EIGHT, PART TWO, SETS FORTH OUR FINAL ANALYSIS OF THE SCOPE OF THE INVESTIGATION. IT TAKES INTO ACCOUNT THE THREAT OF EOKA-B REPRISALS AGAINST WITNESSES (THEY WERE AND ARE A CONTINUING DETERRENT); THE IMPACT OF THE SITIRIOU INFORMATION (IT MIGHT WELL MAKE THE CASE WHEN AND IF OFFERED IN EVIDENCE); THE CONSPIRACY THEORY AS SEEN BY THE GOC AND BY THE EMBASSY (WE ARE NOT FULLY CONVINCED BY THE GOC POSITION); AND LASTLY, THE THRUST AND EFFECTIVENESS OF THE OVERALL U.S. INVOLVEMENT WITH THE GOC AND CYPOL TO BRING THE KILLERS OF AMBASSADOR DAVIES AND MISS VARNAVA TO TRIAL (OUR INFORMATION WAS RESPONSIBLE FOR THE INDICTMENTS OF FOUR OF THE SIX DEFENDANTS. END SUMMARY.

CONCLUDING ANALYSIS AND COMMENT ON DAVIES INVESTIGATION

1. SCOPE OF INVESTIGATION. CYPOL HAD THE TASK OF ELICITING INFORMATION FROM RELUCTANT WITNESSES ABOUT AN INCIDENT WHICH TOOK PLACE 24-30 MONTHS BEFORE. ON BALANCE, WE BELIEVE THEY DID A DECENT JOB, GIVEN THE CIRCUMSTANCES. CYPOL ASST. CMDR. DEMETRIOU HAS TOLD PHERSON THAT ALL OF THE POLICE AT THE SCENE ON AUGUST

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19, 1974 OF THE RANK OF INSPECTOR OR SUPERINTENDENT, WITH PERHAPS ONE OR TWO EXCEPTIONS, WERE EITHER KNOWN EOKA-B SUPPORTERS OR, AT LEAST, NOT PRO-MAKARIOS. THEY GENERALLY PROVED TO BE RELUCTANT WITNESSES, YET CONSIDERABLE EVIDENCE WAS DEVELOPED THIS IS TO CYPOL'S CREDIT. KTIMATIAS WAS GENUINELY FEARED BY MANY POLICE BECAUSE OF HIS KNOWN ROLE AS CYPOL COMMANDER

PANTELIDES' "ENFORCER." IT IS INTERESTING TO NOTE THAT CYPOL'S SUCCESS IN ELICITING INFORMATION FROM POLICE WITNESSES IMPROVED CONSIDERABLY AFTER KTIMATIAS WAS JAILED ON AN ARMS CACHE CHARGE IN MID-1976.

GEORGE POLYVIOU, THE EMBASSY'S CYPRIOT LEGAL ADVISER, HAS STATED THAT APPREHENSION IS LIKELY TO MOUNT AMONG ALL WITNESSES AS THEY ARE IDENTIFIED DURING THE TRIAL AND THAT THERE DEFINITELY WILL BE A FEAR OF REPRISALS. WE AGREE WITH POLYVIOU: THE SOONER THE TRIAL, THE BETTER THE CHANCES FOR CONVICTIONS. MEANWHILE, IT IS OF INTEREST THAT THE SIX ACCUSED REMAIN IN PECULIARLY EXCELLENT SPIRITS. THE SENIOR FSLE WHO WAS PRESENT AT THE MARCH 10 AND MARCH 15 COURT HEARINGS NOTED THE LAUGHING AND BANTERING ON THE PART OF ALL ACCUSED WHILE IN COURT. HE SURMISED THEY WERE TAKING THEIR LEAD FROM LEFTIS, WHO HAS SHOWN NO CONCERN WHATEVER AND WHO HAS PROMISED TO "TELL ALL AND NAME NAMES" IF HE IS PUT ON TRIAL.

2. THE IMPACT OF SOTIRIOU'S INFORMATION - CYPOL'S EFFORTS IN THEIR INVESTIGATION COULD BEST BE DESCRIBED AS APATHETIC UNTIL EARLY JULY 1976 WHEN SOTIRIOU CONTACTED PHERSON AFTER READING IN THE LOCAL PRESS THAT AN AMERICAN INVESTIGATOR HAD ARRIVED IN CYPRUS TO "REOPEN THE DAVIES CASE." THE INFORMATION PROVIDED BY SOTIRIOU HAS BY AND LARGE WITHSTOOD THE TEST OF CLOSE AND SKEPTICAL SCRUTINY. BOTH CYPOL AND THE A/G ACCEPT THE BASIC ESSENTIALS OF HIS INFORMATION AS FACTUAL AND AS LARGELY CORROBORATED BY OTHER EVIDENCE. WITHOUT SECRET

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SOTIRIOU, WE WOULD NOT HAVE BEEN AWARE OF LEFTIS AND SAVVA AND THEIR ACTIVITIES WITH KTIMATIAS AT THE RIOT WHICH FORMED THE "COMMON INTENTION" UPON WHICH THE GOC HAD BASED THE PROSECUTION'S CASE.

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ELICITING INFORMATION FROM SOTIRIOU WAS BOTH ARDUOUS AND FRUSTRATING. HIS PERSONAL CHARACTERISTICS AND MOTIVATION DO NOT INSPIRE CONFIDENCE. HIS CREDIBILITY AND RELIABILITY WILL BE IMPUNGED AT THE TRIAL. THIS COULD HINDER SUCCESSFUL PROSECUTION OF THE CASES. FURTHER AND DIRECTLY RELATED, HIS INSTINCTS FOR SELF-PRESERVATION, AS THE TRIAL APPROACHES, HAVE ALREADY RESULTED IN DELIBERATE DECEPTION ON HIS PART TO SOFTEN THE IMPACT OF HIS TESTIMONY, I.E., REPORTING TO CYPOL HE HAD SEEN KTIMATIAS AND LEFTIS ON THE SIXTH FLOOR OF THE BUILDING UNDER CONSTRUCTION WHILE INSISTING TO PHERSON HE HAD REPORTED THEM AS BEING ON THE THIRD OR A LOWER FLOOR. SOTIRIOU QUITE OBVIOUSLY FEARS REPRISALS AGAINST HIM AS A RESULT OF HIS STATEMENTS TO CYPOL AND THE TESTIMONY HE MUST GIVE BEFORE THE ASSIZES COURT. STILL, ON BALANCE, HIS INFORMATION HAS BEEN INVALUABLE IN GETTING US THIS FAR. CONVICTIONS, OF ANY NATURE, AGAINST KTIMATIAS, LEFTIS AND SAVVA WILL BE BASED ON HIS TESTIMONY. HIS FRAME OF MIND REGARDING HIS VULNERABILITY, ONCE HE BEGINS HIS TESTIMONY, WILL BE OF CRUCIAL IMPORTANCE.

3. THE CONSPIRACY THEORY - THIS IS VERY SPECULATIVE AS THE GOC SEES IT. THE EMBASSY, ON THE OTHER HAND, CONSIDERS IT IMPORTANT AS WE CONSIDER THE MANY RUMORS,  
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CONJECTURES, HALF-TRUTHS AND UNEXPLAINED ACTIONS SUEROUNDING THE DAVIES MURDER AND THE RESULTING INVESTIGATION. THE LAST PARAGRAPH OF THE CYPOL REPORT CLEARLY DIFINES THE POLICE POSITION THAT THERE WAS NO EVIDENCE TO SUBSTANTIATE ANY FORM OF CONSPIRACY. THE A/G FINESSED THIS CYPOL CONCLUSION AND IS BASING THE HOMICIDE CHARGES AGAINST KTIMATIAS, LEFTIS AND SAVVA ON THE PREMISE THAT THE THREE MEN WERE JOINT OFFENDERS WHO FORMED A COMMON INTENTION TO CARRY OUT AN UNLAWFUL ACTION. CONSPIRACY CONNOTES A FORCE DIRECTING THE PERPETRATORS.  
END COMMENT.

COMMENT: COMMON INTENTION" IS NOT CONSPIRACY UNDER CYPRIOT LAW.

THE FOLLOWING FACTORS WOULD HAVE TO BE CONSIDERED IN AN EFFORT TO BUILD A SOLID CASE THAT A PARTICULAR PERSON OR GROUP OF PERSONS DIRECTED THE ACTIONS OF THE THREE PRINCIPAL DEFENDANTS, I.E. , THAT THERE WAS A CONSPIRACY.

A. ON THE ONE HAND WE NOTE HEAVY FIRE WAS CURRENTLY DIRECTED AGAINST A WINDOW OF THE AMBASSADOR'S OFFICE AND AGAINST A ROOM HE FREQUENTLY USED IN HIS LIVING QUARTERS AT THE OTHER END OF THE EMBASSY BUILDING. KTIMATIAS AND LEFTIS WERE FORMER BODYGUARDS OF NICOS SAMPSON AND WELL KNOWN TO EACH OTHER. IN AUGUST 1974 KTIMATIAS WAS A POWERFUL FIGURE AS A PERSON CLOSE TO CHIEF OF POLICE PANTELIDES AND WAS FEARED BY MANY POLICE. PANTELIDES, WHO WAS APPOINTED CHIEF OF POLICE BY SAMPSON ON THE DAY OF THE COUP, WAS ALMOST CRIMINALLY NEGLIGENT IN HIS ACTIONS ON AUG. 19, 1974 AND STILL REMAINS AN UNCOOPERATIVE WITNESS. THE ORIGINAL DAVIES INVESTIGATION FILE WAS LOST OR STOLEN IN 1975 WHEN PANTELIDES HAD CONTROL OF IT.

B. ON THE OTHER HAND WE NOTE THAT ALL THE POLICE OFFICIALS WHO WORKED ON THE NEW DAVIES INVESTIGATION  
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(NOT MORE THAN HALF A DOZEN IN NUMBER) WERE EITHER UNDER HOUSE ARREST OR ENGAGED IN DEFENSIVE ACTIONS AGAINST THE TURKS ON AUG. 19, 1974. NONE WAS AT THE SCENE, NONE WOULD HAVE A REASON TO COVER UP ANY INDICATIONS OF A POSSIBLE CONSPIRACY BEHIND THE DAVIES MURDER. IN PHERSON'S JUDGEMENT THEY ARE OBJECTIVE, EFFECTIVE AND PROFESSIONAL POLICE OFFICERS, NOT TAINTED BY ASSOCIATIONS WITH ANY POLITICAL PARTY OR FACTION IN CYPRUS. WE HAVE NO REASON TO DOUBT THEIR PRIMARY LOYALTIES TO PRESIDENT MAKARIOS. THUS, BECAUSE THEY WOULD BE PRONE TO BELIEVE AN EOKA CONSPIRACY, WE GIVE WEIGHT TO THE FACT THAT THEY DISCOUNT THE POSSIBILITY OF A CONSPIRACY BEHIND KTIMATIAS, LEFTIS AND SAVVA'S ACTIONS. NEVERTHELESS, OUR NAGGING SUSPICION THAT THERE MAY HAVE BEEN A CONSPIRACY HAS NOT BEEN DISPELLED AND WE HOPE THAT DEVELOPMENTS DURING THE TRIAL MAY HELP RESOLVE THE QUESTION.

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EXDIS

4. THE U.S. ROLE IN BRINGING THE DAVIES KILLERS TO TRIAL. SINCE MARCH 1976 WHEN, AFTER REPEATED EFFORTS, WE OBTAINED THE ASSURANCE OF PRESIDENT MAKARIOS THAT THE GOC WOULD RE-OPEN THE DAVIES CASE AND PERSEVERE UNTIL THE KILLERS WERE BROUGHT TO JUSTICE, WE HAVE MAINTAINED A TWO-TRACK SUSTAINED U.S. INVOLVEMENT WITH THE GOC AND CYPOL. THE PLAN HAS ENTAILED STRONG DIPLOMATIC EFFORTS BY THE DEPARTMENT AND AMBASSADOR WITH MAKARIOS AND HIGH-LEVEL GOC OFFICIALS. MEANWHILE, ON THE SECOND TRACK, PHERSON CONCENTRATED HIS EFFORTS ON CYPOL ASST. CMDR. DEMETRIOU AND D/CIS MOUROUZIDES, PROVIDING THEM INVESTIGATIVE LEADS AND PHOTOGRAPHS OF SUSPECTS, WHILE INSISTING ON A REGULAR FEED-BACK.

WE FOUND PRESIDENT MAKARIOS, A/G TORNARITIS, AND MININT VENIAMIN COOPERATIVE AND CONCERNED THAT THE KILLERS BE BROUGHT TO TRIAL. PHERSON HAD SOME SUCCESS IN PLAYING OFF DEMETRIOU AGAINST MOUROUZIDES WHEN ONE OR THE OTHER WAS RELUCTANT TO PROVIDE SENSITIVE INFORMATION. (IN ESSENCE, MOUROUZIDES WAS MORE HELPFUL IN IDENTIFYING DEMONSTRATORS AND SUSPECTS WITHIN THE LYSSARIDES AND AKEL CAMPS; DEMETRIOU WAS MORE FORTH-COMING REGARDING EOKA-B PERSONALITIES.)

WE THINK THE U.S. APPROACH HAS WORKED WELL SO FAR. OF THE EIGHT ORIGINAL ACCUSED, CYPOL HAD IDENTIFIED THREE.

WE FURNISHED THE LEADS TO THE OTHER FIVE. OF THE SIX

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REMAINING ACCUSED, OUR INFORMATION IS RESPONSIBLE FOR FOUR AND IN THE CASE OF KTIMATIAS AND XENOFONTOS WE PROVIDED EXTENSIVE CORROBORATIVE EVIDENCE. FURTHER, PHERSON OBTAINED AN INFORMAL COMMITMENT FROM CYPOL THAT THEY WOULD RECOMMEND EIGHT INDICTMENTS, OF WHICH THREE WOULD FOR PREMEDIATED MURDER, AND CYPOL FOLLOWED THROUGH, EVEN THOUGH THEY HAD ORIGINALLY

PLANNED TO MAKE NO RECOMMENDATIONS. WE BELIEVED THE  
A/G WOULD REDUCE THE MURDER INDICTMENTS TO HOMICIDE,  
WHICH IS WHAT HAPPENED.

AS THE DAVIES MURDER TRIAL BEFORE THE ASSIZES  
COURT GETS UNDERWAY, PROBABLY IN LATE MAY, IT WILL  
BE IMPERATIVE TO MAINTAIN THE PHERSON-CYPOL-CIS  
AND THE POLYVIOU/JUDICIARY RELATIONSHIPS. THEY WILL  
BE EXTREMELY VALUABLE AS AN EARLY-WARNING MECHANISM IF  
THE DAVIES TRIAL PROCEEDINGS APPEAR TO BE GETTING OFF  
THE TRACK.  
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